

REMARKS

Claims 1-20 are pending in this application. Claim 1-20 stand rejected under 35 U.S.C. § 102(e). Claims 1, 2, 4, 5, 6, 11, and 16 have been amended. Claims 3 and 10 have been canceled. Applicants respectfully request reconsideration of the pending claims 1-2, 4-9 and 11-20 in light of the amendments following remarks.

Rejection of Claims 1-20 under 35 U.S.C. § 102(e)

The Office Action rejected Claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,321,205 to Eder et al. ("Eder"). Claim 1, 11 and 16, as amended, recite, among other limitations, "eliminating any scenario where said market value does not satisfy said criterion for success." Hence, the inventions recited by Claims 1, 11, and 16 employ a criterion for success to inject a real world criteria to the likelihood that a financial goal will be met by eliminating scenarios which are unacceptable to the user and therefore would be terminated by the used when the criterion for success is not met. Applicants submit that Eder merely discloses a simulation model for analyzing the impact of user defined changes on financial performance of a firm without regard as to whether any particular simulated scenario is likely to run its course due to intermediate valuation or other characteristics which may not be acceptable to the user. In other words, Eder discloses a method for providing a projected scenario based on user inputs while the system of the present invention provided a method for determining which of a plurality of scenarios is a valid scenario for a particular user, based on that specific user's risk tolerance as provided by a criterion for success. Therefore, applicants submit that Claims 1, 11, and 16 are allowable over Eder for at least this reason alone.

Claims 2 and 4-9 depend from Claim 1 and are therefore allowable over Eder for at least the reasons provided with respect to Claim 1.

Claims 12-15 depend from Claim 11 and are therefore allowable over Eder for at least the reasons provided with respect to Claim 11.

Claims 17-20 depend from Claim 16 and are therefore allowable over Eder for at least the reasons provided with respect to Claim 16.

SUMMARY

Applicants have provided arguments and amended Claims 1, 2, 4, 5, 6, 11, and 16 to overcome the 35 U.S.C. § 102(e) rejection. In view of the forgoing supporting remarks and amendments, Applicants respectfully request allowance of pending claims 1-2, 4-9 and 11-20.

If the Examiner wishes to direct any questions concerning this application to the undersigned Applicants' representative, please call the number indicated below.

Dated: April 16, 2004

Respectfully submitted,



Guy Perry
Reg. No. 46,194

Attorneys for Applicants
(212) 735-3000
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036